

**DECLARATION AND POWER OF ATTORNEY**  
**Original Application**

As below named inventors, we declare that we have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in this Declaration, that the information given herein is true, that we believe that we are the original, first and joint inventors of the invention entitled:

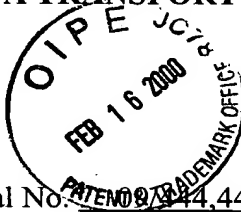
**DIGITAL TELEVISION CONDITIONAL ACCESS METHODS AND APPARATUS WITH  
MULTIPLE DATA TRANSPORT MECHANISM**

which is described and claimed in:

\_\_\_ the attached specification or

X the specification in application Serial No. 09/44,448 filed 11/19/99.

\_\_\_ The present application is a continuation-in-part of Prior Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_ and may be considered to disclose and claim subject matter in addition to that disclosed in the Prior Application, and I hereby claim the benefit of 35 U.S.C. Section 120.



that we acknowledge our duty to disclose information in accordance with 37 C.F.R. Section 1.56 and defined on the attached sheet, which is material to the examination of this application, that we do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application and that as to applications for patent or inventor's certificate filed by me or my legal representatives or assigns in any country foreign to the United States of America, the earliest filed foreign application(s) filed within twelve months prior to the filing date of this application and all foreign applications filed more than twelve months prior to the filing date of this application, if any, are identified below.

**CHECK APPROPRIATE BOX**

X No earlier-filed foreign applications.

\_\_\_ Requirement information as to foreign applications filed prior to filing date of this application is on page \_\_\_ attached hereto and made a part hereof.

**POWER OF ATTORNEY:**

As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<u>NAME</u>	<u>REGISTRATION NO.</u>
Robert P. Sabath	29,107
Bobby K. Truong	37,499
John F. Schipper	26,994
Stanley N. Protigal	28,657
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of SABATH & TRUONG

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FULL NAME OF INVENTOR 2	LAST NAME <b>CHATAIGNIER</b>	FIRST NAME <b>ARNAUD</b>	MIDDLE NAME	
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FULL NAME OF INVENTOR 3	LAST NAME <b>GENEVOIS</b>	FIRST NAME <b>CHRISTOPHE</b>	MIDDLE NAME	
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME LUC VANTALON	SIGNATURE 	DATE 1/5/2000
NAME ARNAUD CHATAIGNIER	SIGNATURE 	DATE 1/28/2000
NAME CHRISTOPHE GENEVOIS	SIGNATURE 	DATE 19/01/00

## Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applications to carefully examine:

- (1) prior art cited in search report as a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the application takes in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any considerations given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) -- SMALL BUSINESS CONCERN**

Docket Number (Optional)  
**5442-020**

Applicant, Patentee, or Identifier: Luc Vantalon, Arnaud Chataignier and Christophe Genevois  
Application or Patent No.: 09/444,488  
Filed or Issued: 11/19/1999  
Title: DIGITAL TELEVISION CONDITIONAL ACCESS METHODS AND APPARATUS WITH MULTIPLE DATA TRANSPORT MECHANISM

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN SCM MICROSYSTEMS, INC.

ADDRESS OF SMALL BUSINESS CONCERN SCM MICROSYSTEMS, INC., 160 KNOWLES DRIVE, LOS GATOS, CA 95032

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ No such persons, concerns, or organizations exist.  
☐ each such person, concern, or organization is listed below:

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING ANDREW WARNER

TITLE OF PERSON IF OTHER THAN OWNER C.F.O.

ADDRESS OF PERSON SIGNING SCM MICROSYSTEMS, INC., 160 KNOWLES DRIVE, LOS GATOS, CA 95032

SIGNATURE



DATE

2/2/00